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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/864,245 | 05/25/2001 | Kevin R. Alexander | 12430-3 | 3398 |

7590 10/04/2004

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EXAMINER

BRANCOLINI, JOHN R

ART UNIT PAPER NUMBER

2153

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/864,245

Applicant(s)

ALEXANDER ET AL.

Examiner

John R Brancolini

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claims 1-13 are pending in the application.

Priority

No claim for priority has been made. The effective filing date is May 25, 2001.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- Item 68, first mentioned in the specification on Page 3, line 11.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al. (US Patent 6671882), hereinafter referred to as Murphy, in view of Halpern et al. (US Patent 6282711), hereinafter referred to as Halpern.

In regards to claim 1, Murphy discloses a method of transmitting a message to a receiving computer comprising:

(a) forming said message by

(i) forming a delivery wrapper as part of said message (a wrapper is applied to the file to act as a handling means by the supplier, col 5 lines 24-29).

(ii) adding message data to said message (the message contains data objects, col 5 line 28-29).

(iii) adding a presentation wrapper to said message, wherein said presentation wrapper comprises one or more components (separate wrappers are created for each part of information sent, including program specific data to be presented to the recipient, col 5 lines 48-55).

(b) transmitting said delivery wrapper to said receiving computer (the file is transported as a whole, including wrapper and data, col 6 lines 5-9, the objects are then processed further before being sent to the end recipient, col 6 lines 24-35).

(c) transmitting said data to said receiving computer (the file is transported as a whole, including wrapper and data, col 6 lines 5-9, the objects are then processed further before being sent to the end recipient, col 6 lines 24-35).

Murphy, however, fails to disclose:

selectively transmitting said components of said presentation wrapper to said receiving computer by:

- (i) selecting one of said components;
- (ii) transmitting said selected component unless a CNR message relating to said component has been received; and
- (iii) repeating steps (i) and (ii) for each of said components.

Halpern discloses a method for efficiently installing software components from a remote server, the system including receiving from a user machine a listing of the required components for delivery, as well as a listing of components already installed on the recipients computer. This process is done by an options manager sending a specification to a user computer where an installer set agent examines the listing of components, examines the user's computer, and decides which components from the available pool are not required. Finally, the required components are sent to the recipients computer on an as needed basis (col 3 lines 17-61). Halpern teaches this system of determining available components is beneficial to the overall system as it

reduces time and bandwidth wasted for the downloading of components the user already had available.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Murphy to include polling the user's computer for available components, then transmitting only the components the user requires as taught by Halpern as this method reduces time and bandwidth wasted for the downloading of components the user already had available.

In regards to claim 2, Murphy discloses said delivery wrapper comprises a list of said components (a higher level wrapper can be used as a delivery wrapper which references the other objects, col 5 lines 61-65).

In regards to claim 3, Murphy discloses said components comprise presentation software and presentation data (col 5 lines 56-65).

In regards to claim 4, Murphy discloses said delivery wrapper further comprises a delivery agent executable on said receiving computer (the CORBA wrapper includes architecture to allow a recipient to store the wrapped objects as individual objects for utilization, col 6 lines 5-37).

In regards to claim 5, Murphy discloses said delivery wrapper further comprises a first delivery agent and a second delivery agent wherein said first and second delivery

agents are executable on computers with different environments (the CORBA wrapper includes architecture to allow multiple recipients in different computing environments to store the wrapped objects as individual objects for utilization, col 6 lines 5-37).

In regards to claim 6, Murphy fails to disclose if a CNR message relating to said selection component is received while said selected component is being transmitted, the transmission of said selected component is terminated.

Halpern, however, as seen in the cited passage used in the discussion of claim 1 (col 3 lines 17-61) provides a system where the files are prepared for sending, and if it is determined that extraneous files are being sent to the user, those files are discarded after the transmission is terminated. Motivation for the modification of Murphy to include this feature as taught by Halpern is included in the discussion of claim 1.

In regards to claim 7, Murphy discloses a method of receiving a message at a receiving computer, wherein said message is transmitted from a transmitting computer comprising:

(a) receiving a delivery wrapper associated with said message, wherein said delivery wrapper contains a list of components (the file is transported as a whole, including delivery wrapper and data, col 6 lines 5-9, the objects are then processed further before being sent to the end recipient, col 6 lines 24-35).

Murphy, however, fails to disclose:

(b) selecting one of said components;

(c) determining whether said selected component is available on said receiving computer;

(d) if said selected component is determined to be available in step (c), then transmitting a CNR message to said transmitting computer, wherein said CNR message indicates that said selected component need not be transmitted to said receiving computer; and

(e) repeating steps (b), (c) and (d) for each the remaining components in said list of components.

As can be seen from the discussion relating to Claim 1, Halpern discloses a system where it is determined at a user which components are available at the receiving computer, alerting the sending computer as to the components available on the receiving computer as well as alerting the sending computer as to the needed components, and sending the needed components to the receiving computer.

In regards to claim 8, Murphy discloses:

(f) receiving message data associated with said message (the individual objects are sent to the user, col 6 lines 34-35).

(g) receiving one or more of said components (the user receives the objects, col 6 lines 34-35).

In regards to claim 9, Murphy discloses said components include presentation software and presentation data (col 5 lines 56-65).

In regards to claim 10, Murphy fails to disclose in step (c), if an equivalent of said selected components is determined to be available, then said component is deemed to be available.

However, as can be seen in the discussions of claims 1 and 8, Halpern teaches having a component, or the equivalent of a component, on a users computer.

In regards to claim 11, Murphy discloses said delivery wrapper includes a delivery agent and steps (b) to (e) are performed by said delivery agent (the CORBA wrapper includes architecture to allow a recipient to store the wrapped objects as individual objects for utilization, col 6 lines 5-37).

In regards to claim 12, Murphy discloses (h) presenting said message data on said receiving computer, using said one or more components received in step (g) (the message and any included objects are sent to the user for presentation, col 6 lines 29-37).

In regards to claim 13, Murphy fails to disclose discloses step (h) is performed by utilizing one or more components determined to be available on said receiving computer in accordance with step (c).

However, as can be seen in the discussions of claims 1, 8 and 10, Halpern teaches utilizing components already installed on a user computer.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:


- Loomans (US Patent 6393605), a method for loading only required components of a recently deployed and delivered application.
- Reisman (US Patent 6658464), software that monitors pre-fetched elements relating to a message and downloads selected elements for a user's workstation.
- Agnihotri et al. (US Patent 6311321), a method of utilizing a Context Launch Wrapper to push needed applets to workstations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R Brancolini whose telephone number is (703) 305-7107. The examiner can normally be reached on M-Th 7am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. After October 18th, the examiner will be available at (571) 272-3948. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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